

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed February 7, 2007. Claims 1, 4-8, 10-11, 14, 17-19, 23-33, and 35-42 have been amended and claim 3 has been canceled. Claims 1-2 and 4-42 remain pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Summary of Telephone Interview with Examiner

Applicant wishes to express his sincere appreciation for the time that Examiner Cardenas Navia spent with Applicant's Representative, Mr. Charles W. Griggers, during a telephone discussion on April 29, 2008 regarding the outstanding Office Action. During the discussion, proposed amendments and arguments were discussed regarding the outstanding 35 U.S.C. §103 rejections and claim objections (which are contained herein). The Examiner indicated that the amendments/arguments addressing the claim objections were beneficial. A consensus was not reached regarding the merits of the proposed amendments/arguments addressing the 103 rejection. Applicant respectfully requests the Examiner to consider the present response and the arguments contained therein.

3. Response to Objections of Drawings

The drawings have been objected to because of various informalities. To address the Examiner's concerns, the drawings and specification have been amended. Accordingly, withdrawal of the objections is respectfully requested.

4. Response to Objections of Specification

The specification has been objected because of various informalities. To address the Examiner's concerns, the specification has been amended. Accordingly, withdrawal of the objections is respectfully requested.

5. Response to Rejection of Claims under 35 U.S.C. §112

Claims 19 and 32 have been rejected under 35 U.S.C. § 112, First Paragraph as allegedly failing to comply with the written description requirement. The claims have been amended to address the Examiner's concerns. Withdrawal of the rejection is respectfully requested.

Claims 1-42 have been rejected under 35 U.S.C. § 112, Second Paragraph as allegedly being indefinite. The claims have been amended for clarification and to address the Examiner's concerns. Applicant respectfully submits that the claims comply with 35 U.S.C. § 112. Withdrawal of the rejections is respectfully requested.

6. Rejection of Claims under 35 U.S.C. §103

Claims 1-42 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Flam* (U.S. Patent No. 7,266,764) in view of *Lofton* (U.S. Patent Publication No. 2003/0154116 A1).

a. Claim 1

As provided in independent claim 1, Applicant claims:

An issue tracking system, comprising:

a centralized server operable to transmit a graphical user interface for tracking project issues over a network;

a database coupled to the centralized server operable to provide the graphical user interface to the centralized server, the database being further operable to track at least one issue related to a topic, to provide access through the centralized server to a plurality of users responsible for resolving said at least one issue, and to provide a storage option for a user to upload data formats,

wherein the centralized server is further operable to transmit a notification to a responsible user for each occurrence of the following: a new issue has been created, a step toward resolution has been entered for said at least one issue, or said at least one issue has been closed.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Flam* in view of *Lofton* does not disclose, teach, or suggest at least "a

centralized server operable to transmit a graphical user interface for tracking project issues over a network” and “a database coupled to the centralized server operable to provide the graphical user interface to the centralized server, the database being further operable to track at least one issue related to a topic, to provide access through the centralized server to a plurality of users responsible for resolving said at least one issue, and to provide a storage option for a user to upload data formats, wherein the centralized server is further operable to transmit a notification to a responsible user for each occurrence of the following: a new issue has been created, a step toward resolution has been entered for said at least one issue, or said at least one issue has been closed,” as emphasized above.

For example, *Flam* describes a process control system that automatically performs activities based on conditions detected during monitoring. As shown in FIG. 9, a client application of the process control system is installed locally on a computer and is not transmitted from a centralized server. For at least this reason, *Flam* fails to teach or suggest at least “a centralized server operable to transmit a graphical user interface for tracking project issues over a network,” as recited in claim 1.

Further, *Lofton* describes an Internet-based calendar. As such, Lofton individually or in combination with *Flam* fails to teach or suggest at least “a centralized server operable to transmit a graphical user interface for tracking project issues over a network,” as recited in claim 1.

With respect to *Flam*, it describes the implementation of queries for performing monitoring using tables in a database system and specification of activities to be performed in response to conditions detected by the queries. See col. 40, lines 19-25. As such, *Flam* does not teach or suggest at least “a database coupled to the centralized server operable to provide the graphical user interface to the centralized server, the database being further operable to track at least one issue related to a topic, to provide access through the centralized server to a plurality of users responsible for resolving said at least one issue, and to provide a storage option for a user to upload data formats, wherein the centralized server is further operable to transmit a notification to a responsible user for each occurrence of the following: a new issue has been created, a

step toward resolution has been entered for said at least one issue, or said at least one issue has been closed,” as recited in claim 1.

Further, *Lofton* describes an Internet-based calendar, as mentioned previously. Therefore, *Lofton* individually or in combination with *Flam* fails to teach or suggest at least “a database coupled to the centralized server operable to provide the graphical user interface to the centralized server, the database being further operable to track at least one issue related to a topic, to provide access through the centralized server to a plurality of users responsible for resolving said at least one issue, and to provide a storage option for a user to upload data formats, wherein the centralized server is further operable to transmit a notification to a responsible user for each occurrence of the following: a new issue has been created, a step toward resolution has been entered for said at least one issue, or said at least one issue has been closed,” as recited in claim 1.

As a result, claim 1 is patentable over *Flam* in view of *Lofton*, and the rejection of claim 1 should be withdrawn.

b. Claims 2-16

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2 and 4-16 depend from and include the features of claim 1 and recite additional features, claims 2-16 are allowable as a matter of law over the cited art of record.

Claim 3 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Regarding the rejection of claim 2, the Office Action takes Official Notice that wherein the server is operable to communicate using a hypertext markup language was a matter of common knowledge at the time of applicant's invention. See page 10. Applicant respectfully traverses the finding of Official Notice with respect to claim 2.

Per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons." Therefore, if this rejection is maintained, Applicant respectfully requests that document(s) be provided as support.

Further, it has not been established that a centralized server operable to transmit a graphical user interface for tracking project issues over a network and operable to communicate using a hypertext markup language, as described in claim 2, is capable of instant and unquestionable demonstration as being well-known.

Regarding the rejection of claim 15, the Office Action takes Official Notice that, where the file being uploaded is a legacy spreadsheet file, this is considered non-functional descriptive material and will not distinguish the claimed invention from the prior art. See page 12. Applicant respectfully submits that it has not been established that a database coupled to a centralized server operable to transmit a graphical user interface for tracking project issues over a network having a storage option for uploading a legacy spreadsheet file, as described in claim 15, is capable of instant and unquestionable demonstration as being well-known. If this rejection is maintained, Applicant respectfully requests that document(s) be provided as support under 37 CFR § 1.104(d)(2).

Regarding the rejection of claim 16, the Office Action takes Official Notice that, where the file being uploaded is a legacy database file, this is considered non-functional descriptive material and will not distinguish the claimed invention from the prior art. See page 12. Applicant respectfully submits that it has not been established that a database coupled to a centralized server operable to transmit a graphical user interface for tracking project issues over a network having a storage option for uploading a legacy database file, as described in claim 16, is capable of instant and unquestionable demonstration as being well-known. If this rejection is maintained, Applicant respectfully requests that document(s) be provided as support under 37 CFR § 1.104(d)(2).

c. Claim 17

As provided in independent claim 17, Applicant claims:

A method of tracking project issues, comprising:
storing a project in a standardized format on a centralized database;
transmitting a graphical user interface for tracking project issues over a network;
adding an issue associated with the project to the centralized database;
enabling users to add at least one step taken to resolve the issue to the centralized database;
transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and
providing an option to a user to upload a data file.

(Emphasis added).

Applicant respectfully submits that independent claim 17 is allowable for at least the reason that *Flam* in view of *Lofton* does not disclose, teach, or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database; transmitting a graphical user interface for tracking project issues over a network; enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to a responsible user associated with the project for each occurrence of the following: a

new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as emphasized above.

For example, *Flam* describes a process control system that automatically performs activities based on conditions detected during monitoring. As shown in FIG. 9, a client application of the process control system is installed locally on a computer and is not transmitted from a centralized server. For at least this reason, *Flam* fails to teach or suggest at least “transmitting a graphical user interface for tracking project issues over a network,” as recited in claim 17. Further, *Lofton* describes an Internet-based calendar. As such, *Lofton* individually or in combination with *Flam* fails to teach or suggest at least “transmitting a graphical user interface for tracking project issues over a network,” as recited in claim 17.

With respect to *Flam*, it describes the implementation of queries for performing monitoring using tables in a database system and specification of activities to be performed in response to conditions detected by the queries. See col. 40, lines 19-25. As such, *Flam* does not teach or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database . . . enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as recited in claim 17.

Further, *Lofton* describes an Internet-based calendar, as mentioned previously. Therefore, *Lofton* individually or in combination with *Flam* fails to teach or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database . . . enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has

been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as recited in claim 17.

As a result, claim 17 is patentable over *Flam* in view of *Lofton*, and the rejection of claim 17 should be withdrawn.

d. Claims 18-29

For at least the reasons given above, claim 17 is allowable over the cited art of record. Since claims 18-29 depend from and include the features of claim 17 and recite additional features, claims 18-29 are allowable as a matter of law over the cited art of record.

e. Claim 30

As provided in independent claim 30, Applicant claims:

A computer readable medium having a program for tracking project issues, the program operable to perform:

storing a project on a centralized database;

transmitting a graphical user interface for tracking project issues over a network;

adding an issue associated with the project to the centralized database;

enabling users to add at least one step taken to resolve the issue to the centralized database;

transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and

providing an option to a user to upload a data file.

(Emphasis added).

Applicant respectfully submits that independent claim 30 is allowable for at least the reason that *Flam* in view of *Lofton* does not disclose, teach, or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database; transmitting a graphical user interface for tracking project issues over a network; enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to

a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as emphasized above.

For example, *Flam* describes a process control system that automatically performs activities based on conditions detected during monitoring. As shown in FIG. 9, a client application of the process control system is installed locally on a computer and is not transmitted from a centralized server. For at least this reason, *Flam* fails to teach or suggest at least “transmitting a graphical user interface for tracking project issues over a network,” as recited in claim 30. Further, *Lofton* describes an Internet-based calendar. As such, *Lofton* individually or in combination with *Flam* fails to teach or suggest at least “transmitting a graphical user interface for tracking project issues over a network,” as recited in claim 30.

With respect to *Flam*, it describes the implementation of queries for performing monitoring using tables in a database system and specification of activities to be performed in response to conditions detected by the queries. See col. 40, lines 19-25. As such, *Flam* does not teach or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database . . . enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as recited in claim 30.

Further, *Lofton* describes an Internet-based calendar, as mentioned previously. Therefore, *Lofton* individually or in combination with *Flam* fails to teach or suggest at least “storing a project in a standardized format on a centralized database; adding an issue associated with the project to the centralized database . . . enabling users to add at least one step taken to resolve the issue to the centralized database; transmitting a notification to a responsible user associated with the project for each occurrence of the following: a new issue has been created for the project, a step toward resolution has

been entered for the issue, or the issue has been closed; and providing an option to a user to upload a data file,” as recited in claim 30.

As a result, claim 30 is patentable over *Flam* in view of *Lofton*, and the rejection of claim 30 should be withdrawn.

f. Claims 31-42

For at least the reasons given above, claim 30 is allowable over the cited art of record. Since claims 31-42 depend from and include the features of claim 30 and recite additional features, claims 31-42 are allowable as a matter of law over the cited art of record.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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